

South Australia

Motor Vehicles (South Eastern Freeway Offences) Variation Regulations 2019

under the *Motor Vehicles Act 1959*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

Part 2—Variation of *Motor Vehicles Regulations 2010*

- 4 Insertion of regulation 97AA
97AA Exemption from cumulative application of new section 139BD notice of disqualification if existing suspension is under prescribed provision
 - 5 Variation of regulation 98—Guidelines for disclosure of information
 - 6 Variation of Schedule 4—Demerit points
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Motor Vehicles (South Eastern Freeway Offences) Variation Regulations 2019*.

2—Commencement

These regulations come into operation on the day on which the *Statutes Amendment (Vehicle Inspections and South Eastern Freeway Offences) Act 2017* comes into operation.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *Motor Vehicles Regulations 2010*

4—Insertion of regulation 97AA

After regulation 97 insert:

97AA—Exemption from cumulative application of new section 139BD notice of disqualification if existing suspension is under prescribed provision

- (1) Subject to subregulation (2), if—
 - (a) a person (whether before, on or after the commencement of this regulation) has been given, or is given, a notice of disqualification within the meaning of section 139BD of the Act; and
 - (b) at the time that the notice is (but for the operation of section 139BD(9)) due to take effect (being a time on or after the commencement of this regulation), the person holds a licence or learner's permit that is already suspended under a prescribed provision (whether the suspension was imposed before, on or after that commencement),

the person is exempt from the requirement of section 139BD(9) of the Act that the notice of disqualification will instead take effect on the termination of that prior suspension.

- (2) Subregulation (1) does not apply if—
 - (a) the notice of disqualification is a notice under section 81BC(2) of the Act; and
 - (b) the prescribed provision under which the licence or permit is suspended is section 45D of the *Road Traffic Act 1961*; and
 - (c) the notice of disqualification relates to the same offence as the notice under section 45D giving rise to the suspension.
- (3) In this regulation—

prescribed provision means—

 - (a) section 38(1) of the *Fines Enforcement and Debt Recovery Act 2017*; or
 - (b) section 80(2a)(e) of the *Motor Vehicles Act 1959*; or
 - (c) section 82(1)(b) of the *Motor Vehicles Act 1959*; or
 - (d) section 83 of the of the *Motor Vehicles Act 1959*; or
 - (e) section 45B of the *Road Traffic Act 1961*; or
 - (f) section 45D of the *Road Traffic Act 1961*; or
 - (g) section 47IAA of the *Road Traffic Act 1961*.

5—Variation of regulation 98—Guidelines for disclosure of information

Regulation 98(10), definition of *prescribed offence*, (a)—after "45A," insert:

45C,

6—Variation of Schedule 4—Demerit points

(1) Schedule 4, clause 4—after the item relating to section 45A insert:

45C(1)	<i>Driver of truck or bus on prescribed road exceeding the speed limit by 10 kph or more</i>	6
45C(2)	<i>Driver of truck or bus on prescribed road failing to engage low gear</i>	6

(2) Schedule 4, clause 4, item relating to section 79B(2)—after "*Being the owner of a vehicle that appears from evidence obtained through the operation of a photographic detection device to have been involved in the commission of a prescribed offence*" insert:

Contravention where the owner is a natural person and the prescribed offence in which the vehicle appears to have been involved is an offence against the following section of the *Road Traffic Act 1961*:

s 45C(1)—*Driver of truck or bus on prescribed road exceeding the speed limit by 10 kph or more* 6

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 21 March 2019

No 24 of 2019

MTIL19/012CS